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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,687	07/07/2003	Letitia K. Lee	SVL920030030US1	7413
7590 08/07/2008 Paul D. Greeley, Esq. Ohlandt, Greeley, Ruggiero & Perle, L.L.P. 10th Floor One Landmark Square Stamford, CT 06901-2682				
EXAMINER				
PITARO, RYAN F				
ART UNIT		PAPER NUMBER		
2174				
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08/07/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/614,687

Applicant(s)

LEE ET AL.

Examiner

RYAN F. PITARO

Art Unit

2174

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,8-10,12-14 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,8-10,12-14, and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-2,5,8-10,12-14,17 have been examined.

Response to Amendment

2. This amendment is in response to the amendment 4/08/2008. In the amendment claims 3,4,6,7,11,15,16,18, and 19 were cancelled, and claims 1,5,8,14, and 17 were amended. This action is non-final.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/08/2008 has been entered.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1,2,5,14, and 17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 1, 2, and 5, the use of the word system does not inherently mean that the claim is directed to a machine, and upon review of the specification there is no evidence contrary to suggest to one of ordinary skill in the art that all modules and components of the claim may reasonable implemented as software routines. Therefore the claim is a system of software per se and fails to fall within a statutory category of invention.

As per claims 14 and 17, the use of computer readable medium in the claims could appear to be reasonably interpreted as media for carrying as fairly conveying signals and other forms of propagation or transmission media to one of ordinary skill in the art. Therefore claims 14 and 17 fail to be limited to embodiments which fall within a statutory category and are rejected under 35 U.S.C 101.

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the applicant has failed to provide antecedent basis for the claim terminology "computer readable medium". Therefore it becomes a question of whether non statutory embodiments would be fairly conveyed to one of ordinary skill in the art given the term utilized and the lack of detail in the specification.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:


(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2,8,9,10,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allegro ("Allegro", three-state) in view of Ashe et al ("Ashe", US 2002/0093523) in view of Fukao et al ("Fukao", US 7,116,338).

As per claim 1, Allegro teaches a system, comprising: a computer system having a graphical user interface (GUI) (lines 1-10, *checkbox*); a module that provides a plurality of icons for a component of said GUI that are distinct according to a selection property and an enablement property (Lines 5-10, *blank when value is nil and otherwise will show a checkmark*). Allegro also teaches the said component being a checkbox (Allegro, lines 1-9, *checkbox*), and wherein said checkbox has a selected property and an enabled property and is rendered on said GUI as a square filled with white and a black check inside said square (Allegro, lines 5-9), when said checkbox has a unselected property and an enabled property and is rendered on said GUI as a square filled with white (Allegro, lines 5-9, *check box will be blank*). .

Allegro does not expressly state automatically overriding default values.

However, Ashe teaches a software component executable on said computer system to override a plurality of default icons for said component (Figure 6, [0034]-[0035], *instruct the drawing modules for themes contain definition for the appearance of the check box in accordance of that theme*) and displaying the preferred icons on GUI in place of the default icons ([0034]-[0035]).















	Active	Selected	Inactive	Active w/ keyboard highlight
Unchecked	 Selection 1	 Selection 1	 Selection 1	 Selection 1
Checked	 Selection 1	 Selection 1	 Selection 1	 Selection 1
Mixed	 Selection 1	 Selection 1	 Selection 1	 Selection 1

FIG. 6

Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Ashe with the system of Allegro. Motivation to do so would have been to allow users to use their own themed, customizable icons so that each user would understand their respective meanings and yield predictable results.

Allegro-Ashe teaches all of the above mentioned aspects of the checkbox and also show a third state which is rendered gray see Allegro lines 10-14. However, Allegro-Ashe fail to distinctly point out the third state of the checkbox wherein when said checkbox is unselected and disabled the said checkbox is rendered on said GUI as a square filled with gray.

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Fukao teaches a checkbox when it is unselected and disabled, said checkbox is rendered on said GUI as a square filled with gray (Figure 42, Column 17 lines 10-16).

SELECT DISPLAY SURFACE

<input checked="" type="checkbox"/> WMYR SURFACE	<input type="checkbox"/> KMYR SURFACE
<input checked="" type="checkbox"/> WYCG SURFACE	<input type="checkbox"/> KYCG SURFACE
<input type="checkbox"/> WCMB SURFACE	<input type="checkbox"/> KCMB SURFACE
<input type="checkbox"/> HUE SURFACE 1	<input type="checkbox"/> HUE SURFACE 2

grayed out

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Fukao with the system of Allegro-Ashe. One of ordinary skill in the art could have substituted the disabled grayed out box for the third state grayed out box of Allegro and the results of the substitution would have been predictable.

As per claim 2, Allegro-Ashe-Fukao teaches the system according to claim 1, wherein said software component runs during initialization (Ashe, [0023], *loaded when the computer is started*).

Claim 8 is similar in scope to that of claim 1 and is therefore rejected under similar rationale.

As per claim 9, Allegro-Ashe teaches the method according to claim 8, wherein said selection property is an indication of user selection of said component (Allegro, lines 1-14).

As per claim 10, Allegro-Ashe teaches the method according to claim 8, wherein said enablement property is an indication of whether editing of said component is permitted (Allegro, lines 1-14).

Claim 14 is similar in scope to that of claim 1, and is therefore rejected under similar rationale.

8. Claims 5,12,13,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allegro ("Allegro", three-state), Ashe et al ("Ashe", US 2002/0093523), and Fukao et al ("Fukao", US 7,116,338) in view of Iizuka ("Iizuka", US 6,029,198).

As per claim 5, Allegro-Ashe-Fukao is silent in teaching a selected and disabled property.

However, Iizuka teaches the system according to claim 3, wherein said checkbox has a selected property and a disabled property and is rendered on said GUI as a square filled with gray and a black check inside said square (Figure 10, item 905).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Iizuka with the system of Allegro-Ashe-Fukao.

Motivation to do so would have been to provide to the user an indication that a check must be or is automatically enabled and one of ordinary skill in the art could have applied the necessary check to a base third state and the results would have been predictable.

As per claim 12, the modified Allegro teaches the method according to claim 8, wherein said checkbox is within a second component (Iizuka, Figure 10).

As per claim 13, the modified Allegro teaches the method according to claim 12, wherein said second component is a table (Iizuka, Figure 10).

Claim 17 is similar in scope to that of claim 5, and is therefore rejected under similar rationale.

Response to Arguments

Applicant's arguments with respect to claims 1-2,5,8-10,12-14,17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN F. PITARO whose telephone number is (571)272-4071. The examiner can normally be reached on 9:00am - 5:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan F Pitaro/
Primary Examiner, Art Unit 2174